#### General instructions

At the conclusion of the early engagement period, each region will complete this Summary of Early Engagement to distill the key discussion points from across the RA's meetings with their state, tribe, and territory environmental leaders. These may include but are not limited to:

- Joint operational strategies and priorities.
- Opportunities to leverage resources and expertise, reduce duplication, and minimize burden.
- Financial, administrative, and programmatic flexibilities in grant work planning.

		Summary of Early Engagement  REGION: 8					
n State, Tribal, Territory Priorities	Strategies	DATE: Flexibilities	Responsibility		Tribe(s)	Strategic Objective	Strategic Measure or Other
Identify top priorities.	Describe strategies to address the state, tribal and/or territory priority.		organization that would car out the strates and/or flexibility.	y territory(ies)	Enter the name of the tribe(s) and/or tribal organization(s) associated with the strategy/activity and/or	Click cell and select the EPA strategic objective that aligns with the priority, if applicable.	Health/Environmental Outcome  Click cell and select strategic measure (or other) from drop-down menu, that align with the priority, if applicable.
			nemmey.		flexibilities. , Enter the name of the tribe(s) and/or tribal organization(s) associated , Enter the name of the tribe(s) and/or tribal organization(s) associated , Enter the name of the tribe(s) and/or tribal organization(s) associated  property of the tribe(s) and/or tribal organization(s) associated with the strategy/activity and/or		
					flexibilities.		
2008 and 2015 Ozone NAAQS - with vehicles, no road and oil and gas being large contributors.	Still determining exact strategies to employ, but clearly need to see reductions from vehicles, which the state has limited authority over. Need EPA's help with vehicle standards to meet the 70 ppb ozone NAAQS, as vehicle standards are moving backwards. Good emission reduction options available for oil and gas, but expensive. Will continue to look at areas of major sources for NOx reductions to meet ozone stds.	Programmatic flexibility from EPA needed for the policy portion of a 179B(b) request. Colorado will work on the technical portion of a 179B(b) demonstration for the 2008 ozone standard, in case it is needed. Concern of political uncertainty and its impact on CDPHE being able to require emission reductions to meet both ozone standards. Additional funding would be helpful.	Joint	со		Improve Air Quality	Other Environmental or Health Outcome
C&T State certification plan updates	Need additional staff and funding.	Additional funding is needed to support this work and state needs to be able to fill vacant positions	State-Tribe- Territory	СО	Department of Agriculture	Revitalize Land and Prevent ontamination	<u>C</u>
Complete additional RAU determinations.	Develop a "Facility Level" road map to achieve the RAU measure at remaining sites. Use road map to focus staff's priorities and develop an internal schedule to complete the work needed to achieve the RAU.	The State may need flexibility in delaying PPA work plan commitments from one fiscal year to the next. The reason they may need this flexibility is because they have made a lot of progress on its RCRA corrective action sites. It is becoming harder to pinpoint specific work plan commitments for a given fiscal year.	1	со	n/a	Revitalize Land and Prevent ontamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilitie RAU
OECA Questions - CO	EPA should continue to maintain and/or improve transparency for the public and regulated community. EPA could also be an active partner with state/local/tribal agencies in our efforts to improve employee training & retention. An experienced and highly trained workforce can help drive improvements in programs and potentially contribute to improved compliance rates.		EPA	СО	n/a	Compliance with the Law	
OECA Questions - CO - RCRA	EPA should continue assistance in evaluating Subpart AA, BB and CC compliance. Continued communication on complaints and EPA led inspections.		EPA	со	n/a	Compliance with the Law	
OECA Questions - CO - Air	<ul> <li>Share examples of best practices/pilot projects EPA has used or observed in other states/locals/tribes that have successfully impacted goals #1 or #2 above</li> <li>Continue to leverage resources between EPA and the state/local/tribal agency</li> <li>EPA continue to provide technical expertise in certain cases (and upon request)</li> <li>EPA enforcement support (e.g. joint case, referral) in certain cases (and upon request)</li> <li>Maintain and encourage ongoing, positive communication between regional office and state/local/tribal agency</li> <li>Provide flexibility where state/local/tribal agency may be resource-challenged</li> <li>EPA already supports use of compliance assistance via deferring to state/local/tribal agencies use of enforcement discretion in how to best address violations/handle cases; continue to do so</li> <li>EPA sharing/partnering with state/local/tribal agencies in testing advanced compliance monitoring technologies, sharing results of studies/trials, etc.</li> <li>Bring back Watch List-like program for most egregious violations</li> </ul>	<ul> <li>and/or improvements to create efficiencies in processes and reporting, and improve data collection to allow for data analyses to inform targeting and other efforts</li> <li>May need additional flexibility in the CMS Policy to allow for innovative compliance monitoring techniques and/or targeting to leverage resources</li> <li>Provide flexibility to state/local/tribal agencies in terms of electronic reporting and CROMERR compliance.</li> </ul>	Joint	СО	n/a	Compliance with the Law	
Clearly outline what should be measured	States are collecting large volumes of data. Want to know what to collect, analyze, and interpret. Could use assistance identifying what to measure and help processing the data. Focusing on less measurements and more outcomes is better.		Joint	CO, MT, SD, ND, UT, WY	n/a		
Develop a predictable timely budget process.  Research	Adjust the timing of the funds to better align with the states. Keep funding from year to year consistent so the states can plan.  Incorporate the states when selecting research projects to help identify what to research.	The states need the money earlier to do more planning for the PPA/PPGs.	EPA Joint	CO, MT, SD, ND, UT, WY CO, MT, SD, ND, UT, WY		Prioritize Robust Science	
Enforcement Winter ozone modeling	Develop clear guidance on the state audit process and laws.  Provide assistance with winter ozone modeling.		Joint	CO, MT, SD, ND, UT, WY CO, MT, SD, ND, UT, WY	n/a		
Emerging Contaminants	Provide assistance measuring, tracking, and communicating on emerging contaminants.		Joint	CO, MT, SD, ND, UT, WY			

EPA HQ Communication	Provide communication on new rules or information coming out earlier to the states.		Joint	CO, MT, SD, ND, UT, WY	n/a		
Good Samaritan			Joint	CO, MT, SD, ND, UT, WY	n/a		
Improve and maintain air quality in the state. Bring MT's Air Program from a "vintage - 1980's" era program to current.	Although on board with NPM priorities, state sees more emphasis on national issues rather than state priorities. Good relationship with EPA to bring MT's Air Program to current and appreciate openness to different ways of doing business. Bifurcated process with addressing priorities between Air Program and Enforcement. Want to see a joint discussion with both groups. Looking for a more holistic approach. Would like to see EPA change programs to be more reflective of what the states needs are in the future.	EPA needs to accept the states priorities. Additional funding - funds from OECA settlements go to states. Continue the 110(I) flexibility.	Joint	MT		Improve Air Quality	Other Environmental or Health Outcome
Top priorities include achievement of 2020 corrective action goals and the RAU measure.	Montana is working towards achievement of the environmental indicator and remedy construction goals. This work will pave the way for future RAU accomplishments.	None identified at this time.	Joint	MT	n/a	Revitalize Land and Prevent ( ontamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action faciliti
OECA Questions - MT - RCRA	Continued state lead in compliance assurance to prevent releases of contaminants at hazardous waste facilities and proper waste management at generators and Increasing environmental law compliance rates through strengthened partnerships between EPA, state programs and regulated community.	Technical and regulatory assistance.	Joint	MT	n/a	Compliance with the Law	
Oil and natural gas, and Regional Haze	Global oil and natural gas enforcement settlement has been helpful for getting emission reductions. What does EPA plan to do in Indian country for the 2nd Regional Haze planning period?	Additional funding.	Joint	ND		Improve Air Quality	Other Environmental or Health Outcome
Permit renewals and attaining cleanup standards at corrective action facilities		State does not see any issues and does not require assistance or flexibilities from EPA.	State-Tribe- Territory	ND	n/a	Revitalize Land and Prevent (ontamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action faciliti
OECA Questions - ND - RCRA	Virtually all of our enforcement actions are non-formal. If non-compliance is observed during the inspection we issue warning letters requiring a facility response within 20 days. We usually receive a response from the facility in less than 20 days indicating that the item of non-compliance has been corrected. I don't see the state improving on the timelines.		State-Tribe- Territory	ND	n/a	Compliance with the Law	
Working with tribal governments	Provide assistance with regulatory issues on tribal lands. Develop a more comprehensive process for working with tribes.	Increase monitoring on tribal lands to ensure compliance is occurring.	Joint	ND, UT	n/a		
Maintain and improve air quality where possible.	Need to balance economic development with keeping the air clean. Maintain an expert staff. Maintain a good enforcement presence. Maintain monitoring program and communication to the public. Implementation of the VW settlement.	Additional funding. Be flexible in NSSR - if a new piece of control equipment is installed, it should not trigger another permit requirement and/or a new permit.	Joint	SD		Improve Air Quality	Other Environmental or Health Outcome
address Dicamba issue	burden on state to track training for Dicamba and other emerging pesticides	additional funding is needed to support the training efforts	State-Tribe- Territory	SD	Department of Agriculture	Ensure Safety of Chemicals in Marketplace	
Recycling program for pesticides	The program has outgrown current practices	additional funding is needed to support expansion of the recycling program for	State-Tribe- Territory	SD	Department of Agriculture	Ensure Safety of Chemicals in Marketplace	
Permit maintenance/renewals, and maintaining/updating their hazardous waste regulations.	The state will use their current in-house resources to conduct the lion's share of the workload, with supplemental assistance from EPA technical experts as needed.	The state asks that EPA acknowledge the their statutes and rules.	Joint	SD	n/a		Make additional Resource Conservation and Recovery Act (RCRA) corrective action faciliti
OECA Questions - SD - RCRA	Thank you for the opportunity to comment.	Flexibility in the violation determination date. Not all violations are immediately identified during an on-site inspection; many specifics regarding whether a violation exists aren't identified until a final report is prepared by the agency. As a result, the ability to indicate the date of violation as the date of a final inspection report is more accurate. This could also decrease the average time-to-correction.  SD - Increasing the environmental compliance rate has much to do with getting the information out to the regulated community. This is accomplished by inspections and compliance assistance visits by agency personnel. Getting the word out through websites and social media is becoming an important tool and one the state is becoming more adept at.	Joint	SD	n/a	Compliance with the Law	
OECA Questions - SD - Air	Clarify the meaning for "reduce the average time from violation identification to correction". South Dakota believes EPA's Compliance Program should focus on achieving and maintaining compliance instead of how many enforcement actions are taken or how much of a penalty EPA receives. Since protecting the environment is the major goal, the time duration component should focus on the time period it takes EPA/states to bring the facility back into compliance and not the time period it takes EPA/state to conduct an enforcement action.	South Dakota believes compliance with state and federal regulations is what protects the environment; not heavy handed enforcement. As recommended above, EPA should consider a proactive strategy of having more of an emphasis on compliance presence in the field. South Dakota inspects all of its facilities with Title V air quality operating permits annually and those that take federally enforceable conditions to avoid Title V air quality operating permits or Prevention of Significant Deterioration preconstruction permits every other year. With that constant presence and working with facilities on staying in compliance with state and federal regulation, South Dakota has consistently achieved compliance rates greater than 95%.	EPA	SD	n/a	Compliance with the Law	
OECA Questions - SD - Air	In addition, EPA should clarify the types of violations associated with EPA's proposed goal to increase the environmental compliance rate. EPA has developed several policy documents on different types of violations. Several of the violations covered by those policies have no direct impact on the environment such as record keeping and reporting violations. South Dakota believes the emphasis should be on those violations that impact the environment with the priority for those violations that impact the goal of meeting or maintaining the National Ambient Air Quality Standards and not those bureaucratic red tape type violations.		EPA	SD	n/a	Compliance with the Law	
OECA Questions - SD - Air	South Dakota also suggests when EPA revisits, reviews, or drafts new rules that the actual rules are readily understood by the general public and not just someone with a law degree. If a rule has a gray area, it should be rewritten to clarify the meaning in the rule and not through policy or an enforcement action. In an EPA compliance training seminar, an attorney for EPA made the comment that in his opinion, if a person had to have several sticky notes or use more than a two fingers holding pages in deciphering a regulation, that regulation was not federally enforceable.		EPA	SD	n/a	Compliance with the Law	

OECA Questions - SD - Air	EPA's emphasis on enforcement and not compliance is reflected in its performance metrics. By developing targets on how many enforcement actions are conducted or how many tons of pollutants are reduced by enforcement actions, EPA takes a position of being heavy handed or overly burdensome. South Dakota's experience of working cooperatively or emphasizing compliance instead of enforcement has resulted in high compliance rates with state and federal regulations which in turn relates to a healthier environment. This is reflected in South Dakota being in attainment with EPA's National Ambient Air Quality Standards. EPA's performance metrics should be related more to achieving and maintaining compliance.	EPA	SD	n/a	Compliance with the Law	
OECA Questions - SD - Air		South Dakota's frequent presence in the field helps the regulated community comply with state and federal regulations, minimizes violation occurrences, results in higher compliance rates, and in turn maintains a cleaner environment. EPA needs to provide sufficient funds to ensure states can maintain a compliance presence in the field. In addition, if EPA proposes any additional compliance workload(s), EPA needs to provide additional funding or reduce the existing workload(s). States have limited resources and cannot maintain a compliance presence if additional requirements are expected for the same amount of funding when additional duties are required. For perspective, South Dakota has less than 20 full time equivalents in its Air Quality Program. These devoted employees work on all aspects of the Air Quality Program such as air quality permitting, compliance, monitoring, regional haze, emission inventories, etc.	SD	n/a	Compliance with the Law	
Water infrastructure funding	Develop clear guidance on distribution of funds.	EPA	UT	n/a	Provide for Clean and Safe V	<u></u>
					<u>ater</u>	
Remedial Cost	Request state approval before conducting work above the agreed upon amounts.	EPA	UT	n/a		
Attainment planning at the expense of	Seeking strategy for balance between attainment planning and issuing permits.	Would like to see national training program for staff rather than states having to try to Joint	UT		Improve Air Quality	Reduce the number of non-attainment areas
permitting. Modeling performance reliability is		implement on their own. Implementation of the Air 105 reallocation strategy would be				
needed for Regional Haze, ozone and PM2.5.		very helpful to gain more monetary resources. Need a Uinta Basin FIP from EPA.				
		Streamline the redesignation process (e.g. SO2). Need EPA's help to apply strict				
		standards on non-road vehicles for nonattainment areas (e.g. RACT), but don't need				
		these strict non-road standards in attainment or rural areas with no air quality issues.				
Large-acreage corrective action sites, many of	Utah's strategy will remain the same: keep fostering a collaborative working relationship with the facilities.	The State asks that EPA recognize that the size and scope of some of their corrective State-Tribe-	UT	n/a	Revitalize Land and Prevent (	Make additional Resource Conservation and
which have complex groundwater plumes. Source		action sites dictates how fast they can get to an endpoint. Another State challenge is Territory		,	ontamination	Recovery Act (RCRA) corrective action facilities
removal, remediation and/or capping is needed		upcoming retirements and the loss of experienced staff. Utah appreciates the good				RAU
to address the groundwater. Another priority is a		working relationship they've had with EPA Region 8 over the years.				
corrective action site undergoing redevelopment		working relationship they ve had with El A Region 8 over the years.				
where most of the non-impacted property has						
1						
been sold. The remaining property poses						
challenges and may require a Corrective Action						
Management Unit (CAMU) which will take State						
resources to put in place.						
Compliance (self-audit laws)	Incorporates the states in discussions about compliance and connect it to the cooperative federalism discussions happening		UT, SD	n/a		
	nationally.	damages. This would increase the use of the self-audit laws.				
Regional Haze, exceptional events and	Use resources efficiently and collaborate on exceptional events process. Don't want the 2nd Regional Haze planning period		WY		Improve Air Quality	Other Environmental or Health Outcome
attainment.	in litigation.	grant very helpful. Want to have certainty and know "what the marker is" for SIPs for				
		the Regional Haze Program's 2nd planning period. Need a streamlined/"slide-out				
		option" (e.g. revocation) for redesignating an area to attainment - 2008 ozone tied up				
1		in the South Coast decision.				
C&T state plan and PSEP manuals needed to	university to use media division to create on line courses	additional funding to update PSEP manuals and complete CPARD 3.0 and C&T cross State-Tribe-	WY	Department of	Ensure Safety of Chemicals in	
implement		walk and/or template as soon as possible Territory		Agriculture	<u>Marketplace</u>	
	As sites complete remedy construction and other criteria, WY will evaluate the RAU measure and whether it has been met.	WY does not have the ability to restrict groundwater use. WY needs to have the ability Joint	WY	n/a	Revitalize Land and Prevent (	- I
Evaluate facilities for the RAU measure as they						ID 4 (DODA)
Evaluate facilities for the RAU measure as they accomplish the requirements for the measure.		to reverse an RAU determination if they become aware that contaminated			ontamination_	Recovery Act (RCRA) corrective action facilities
•		to reverse an RAU determination if they become aware that contaminated groundwater is being used in a manner that poses a risk. Before WY completes any			ontamination_	RAU RAU
•					ontamination	

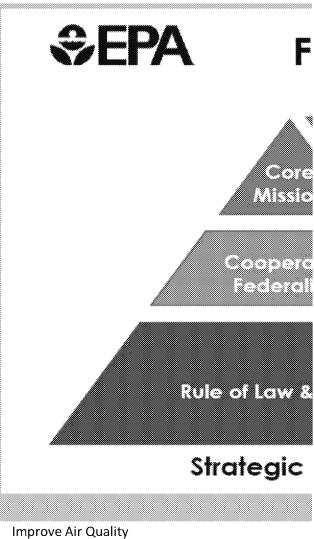
OECA Questions - WY - RCRA	recommended practices directly related to RCRA compliance. DEQ/SHWD experience indicates numerous standards are published and almost continuously updated for a variety of industries (petroleum refining, O&G/E&P, inorganic chemical, mining, etc.) which are directly related to RCRA compliance, minimizing spills/releases with subsequent waste generation and other environmental protection provisions. Examples include American Petroleum Institute (API) standards and recommended practices, National Association of Corrosion Engineers (NACE) and a few others with broad, national scope. With more expertise and direct experience in their own industries, it seems EPA and states could sensibly use this published and valuable information for RCRA rule-making, more reasonable/applicable enforcement and general environmental	that the response would be timely and would be respectful of the state's primacy over the situation.	WY n/a	Compliance with the Law
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Provide for Clean & Safe Water

**Revitalize Land & Prevent Contamination** 

Ensure Safety of Chemicals in Marketplace

# Y18-22 Transformation Strategy

- Improve Air Quality
   Provide for Clean & Safe Water
   Revitalize Land & Prevent Contamination
   Ensure Safety of Chemicals in Marketplace
- Enhance Shared Accountability
   Increase Transparency & Public Participation

  Compliance with the Law

Compliance with the Law

Create Consistency & Certainty

Prioritize Robust Science

Streamline & Modernize

Improve Efficiency & Effectiveness

### Goals

## Strategic Objectives

- Reduce the number of non-attainment areas
- Reduce the number of community water systems out of compliance with health-based standards

  ②Increase the percentage of water infrastructure projects funded through EPA grants, loans, or public-private partnerships that achieve or maintain compliance \*
- Reduce the number of square miles of watershed with surface water not meeting standards
- Make additional Superfund sites Ready for Anticipated Use (RAU) site-wide
- Make additional Brownfields sites RAU \*
- Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU
- Complete additional Leaking Underground Storage Tank (LUST) cleanups that meet risk-based standards for human exposure and ground water migration
- Complete EPA-initiated Toxic Substances Control Act (TSCA) risk evaluations for existing chemicals in accordance with the timelines set forth in the statute
- Complete TSCA risk management actions for existing chemicals in accordance with the timelines set forth in the statute
- Complete TSCA Pre-Manufacture Notice final determinations in accordance with the timelines set forth in the statute

Enhance Shared Accountability
Increase Transparency & Public Participation
Compliance with the Law
Create Consistency & Certainty
Prioritize Robust Science
Streamline & Modernize
Improve Efficiency & Effectiveness

- Complete all cases of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)-mandated decisions for pesticides registration review program
- Improve the Pesticide Registration Improvement Act (PRIA) registration decision time frames for new pesticides
- Increase the number of grant commitments achieved by states, tribes, and local communities
- Increase the use of alternate joint governance approaches to address state, tribal, and local community reviews
- Increase the amount of non-EPA resources leveraged by projects receiving EPA infrastructure investments
- Reduce the backlog and meet statutory deadlines for responding to Freedom of Information Act (FOIA) requests and appeals
- Eliminate unnecessary or duplicative reporting burdens to the regulated community
- Reduce the time between the identification of an environmental law violation and its correction
- Increase environmental law compliance rate
- Meet legal deadlines imposed on EPA
- Increase the percentage of decisions using EPA research and scientific analysis
- Accelerate permitting-related decisions
- Reduce unnecessary/unused office, warehouse, and lab space
- Reduce procurement processing time
- Improve operational processes
- Increase enterprise adoption of shared services

Strategic Measure	Improve Air Quality
Improve_Air_Quality	Reduce the number of non-attainment areas
Provide_for_Clean_and_Safe_Water	Other Environmental or Health Outcome
Revitalize_Land_and_Prevent_Contamination	
Ensure_Safety_of_Chemicals_in_Marketplace	
Enhance_Shared_Accountability	
Increase_Transparency_and_Public_Participation	
Compliance_with_the_Law	
Create_Consistency_and_Certainty	
Prioritize_Robust_Science	
Streamline_and_Modernize	
Improve_Efficiency_and_Effectiveness	

#### **STATES**

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Provide for Clean & Safe Water
Reduce the number of community water systems out of compliance with health-based standards
Increase the percentage of water infrastructure projects funded through EPA grants, loans, or public-private partnerships
Reduce the number of square miles of watershed with surface water not meeting standards
Other Environmental or Health Outcome

Revitalize Land &		
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Other Environme		
Improve Air Qua		
Provide for Clea		
Revitalize Land		

Ensure Safety of Chemicals in Marketplace
Complete EPA-initiated Toxic Substances Control Act (TSCA) risk evaluations for existing chemicals in accordance with the
Complete TSCA risk management actions for existing chemicals in accordance with the timelines set forth in the statute
Complete TSCA Pre-Manufacture Notice final determinations in accordance with the timelines set forth in the statute
Complete all cases of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)-mandated decisions for pesticides regist
Improve the Pesticide Registration Improvement Act (PRIA) registration decision time frames for new pesticides
Other Environmental or Health Outcome
- Reduce the number of non-attainment areas
- NA
NG.
- Reduce the number of community water systems out of compliance with health-based standards
Increase the percentage of water infrastructure projects funded through EPA grants, loans, or public-private
partnerships that achieve or maintain compliance *
Boduce the number of equate miles of watershed with surface water not receive standards
- Reduce the number of square miles of watershed with surface water not meeting standards
- NA
- Make additional Superfund sites Ready for Anticipated Use (RAU) site-wide
- Make additional Brownfields sites RAU *
- Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU

- Complete additional Leaking Underground Storage Tank (LUST) cleanups that meet risk-based standards for human exp

- NA

Enhance Shared Accountablity
Increase the number of grant commitments achieved by states, tribes, and local communities
Increase the use of alternate joint governance approaches to address state, tribal, and local community reviews
Other Environmental or Health Outcome
:ration review program
. adon review program

osure and ground water migration

Increase Transparency & Public Participation
Increase the amount of non-EPA resources leveraged by projects receiving EPA infrastructure investments
Reduce the backlog and meet statutory deadlines for responding to Freedom of Information Act (FOIA) requests and app
Eliminate unnecessary or duplicative reporting burdens to the regulated community
Other Environmental or Health Outcome

Prioritize Robust Science
Increase the percentage of decisions using EPA research and scientific analysis
Other Environmental or Health Outcomes

Streamline & Modernize	Improve Efficiency & Effectiveness
Accelerate permitting-related decisions	Reduce unnecessary/unused office, warehouse, and lab space
Other Environmental or Health Outcome	Reduce procurement processing time
	Improve operational processes
	Increase enterprise adoption of shared services
	Other Environmental or Health Outcome

Compliance with the Law
Reduce the time between the identification of an environmental law violation and its correction
Increase environmental law compliance rate
Other Environmental or Health Outcome

Prioritize

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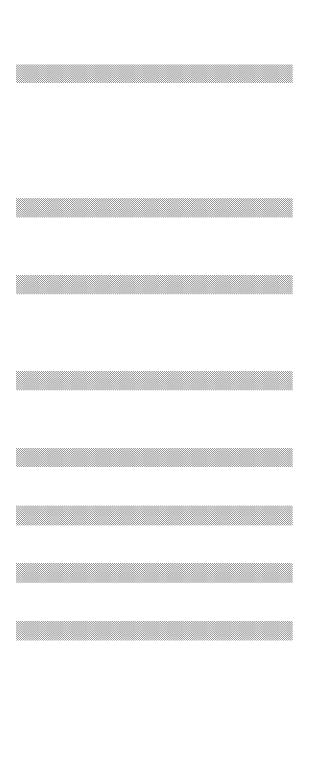


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- Accelerate permitting-related decisions
- NA
- Reduce unnecessary/unused office, warehouse, and lab space
- Reduce procurement processing time
- Improve operational processes
- Increase enterprise adoption of shared services
- NA

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TRIBE



















